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Patent

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Attorney Docket # 4070-72PUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Phase PCT Application of
Udo WIRTHWEIN et al.

Int'l PCT Serial No.: PCT/DE03/01140

Int'l Filing Date:: April 7, 2003

For: Damping Device for Rails

INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO/SB/08a. Copies of the listed documents are also enclosed.

EP 0404756 and the English language abstract attached thereto disclose a superstructure with rails.

JP 59-122526 and the English language abstract attached thereto disclose a vibration damping material.

EP 0 150 264 and the English language abstract attached thereto disclose a rail with noise damping means.

DE 1784171 discloses a vibration damped rail.

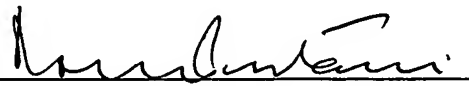
DE 31 47 387 and the English language abstract attached thereto disclose a rail fastening.

In accordance with 37 C.F.R. §§1.97(g) and (h), the filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56(b),

or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserve(s) the right to prove that the date of publication is in fact different.

It is respectfully requested that the above information be considered by the Examiner and that the copy of the enclosed Form PTO/SB/08a be returned indicating that such information has been considered.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

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Dated: October 6, 2004

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| Substitute for Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Complete if Known | |
| | | Application Number | 10/510426 |
| | | Filing Date | |
| | | First Named Inventor | Udo WIRTHWEIN |
| | | Art Unit | |
| Examiner Name | | | |
| Sheet 1 of 1 | Attorney Docket Number | 4070-72PUS | |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
| | | Number-Kind-Code ² (if known) | | | |
| | AA | US-5,622,312 | 4/22/1997 | Martin | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|--|--------------------------------|--|---|----------------|
| | | Country Code ³ Number ⁴ Kind-Code ⁵ (if known) | | | | |
| | AB | EP 0 404 756 B1 | 12/27/1990 | Howanietz et al. | | Abstract |
| | AC | JP 59122526 | 7/16/1984 | Kenji et al. | | Abstract |
| | AD | EP 0 150 264 B1 | 8/7/1985 | Herbst et al. | | Abstract |
| | AE | DT 1 784 171 | 7/29/1971 | Hiem | | |
| | AF | DE 31 47 387 A1 | 6/9/1983 | Dahlhas et al. | | Abstract |
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| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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